

4 Official Opinions of the Compliance Board 140 (2005)

NOTICE REQUIREMENTS – METHOD – FAILURE TO PROVIDE WRITTEN NOTICE TO PUBLIC, HELD TO VIOLATE ACT – OPEN SESSION REQUIREMENT – ACT AFFORD RIGHT TO OBSERVE, NOT TO PARTICIPATE

May 6, 2005

Mr. Patrick J. Hannon

The Open Meetings Compliance Board has considered your complaint alleging that the City of Salisbury's Salary Review Committee violated the Open Meetings Act by failing to give proper public notice of meetings on January 11, 18, and 25, 2005. In a timely response on behalf of the City, Paul D. Wilber, Esquire, informed us that the Salary Review Committee, a public body, had provided notice of these meetings "on an informal verbal basis." He acknowledged, however, that this form of notice did not comport with the Act's requirement that "a public body shall give reasonable advance notice of the session," which ordinarily must be in writing and posted or otherwise reasonably available to the public. State Government Article §10-506, Annotated Code of Maryland.

In light of the City's acknowledgment, extended discussion is not warranted. The failure to provide proper notice of these three meetings violated the Act. The City's response pointed out that the Salisbury City Council postponed action on an ordinance relating to salary adjustments until the Salary Review Committee held another meeting on April 7, for which proper notice was given. We accept that the City took reasonable steps to ameliorate the situation, but its having done so does not negate the violation at the prior three meetings.

We note that the complaint also criticized the Salary Review Committee for inviting comment by selected business leaders and organizational representatives, but not by City residents more generally. This, too, changed at the Salary Review Committee's meeting on April 7, when, according to Mr. Wilber's response, you and other members of the public were afforded the opportunity to comment. We wish to make clear, however, that this aspect of public involvement is outside the Open

Meetings Act. The Act affords a right to observe open meetings, but not to participate in them.

OPEN MEETINGS COMPLIANCE BOARD

Walter Sondheim, Jr.
Courtney J. McKeldin
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